

ENTERED

September 30, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TANISHA MOORE

VS

CITY OF HOUSTON, *et al*§
§
§
§
§

CIVIL ACTION NO. H-23-3048

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is the City and HPD's Motion to Dismiss (Doc. No. 12); Vargas' Rule 12(b)(6) Motion to Dismiss (Doc. No. 13); Overstreet's Rule 12(b)(6) Motion to Dismiss (Doc. No. 14); Lopez's Rule 12(b)(6) Motion to Dismiss (Doc. No. 19); Majority Defendants' (Hudeck, McCreary, Holland, Hollis, Villa, Dexter, and Seay) Rule 12(b)(6) Motion to Dismiss (Doc. No. 22); City's Opposed Motion to Strike Plaintiff's Surreply (Doc. No. 28); Plaintiff's Opposed Motion for Joinder of Additional Party Plaintiff (Doc. No. 37; the parties' responses to the various motions; and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 41). Plaintiff filed Objections (Doc. No. 42) to the Memorandum and Recommendation.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusions. Accordingly, it is hereby

ORDERED that Plaintiff's Objections (Doc. No. 42) to the Memorandum and Recommendation are **OVERRULED** to the extent they address the actual recommended rulings concerning the merits of the motion concerning the Original Complaint, and the Memorandum and

Recommendation (Doc. No. 41) is **ADOPTED**. It is further

ORDERED as follows:

Plaintiff's Opposed Motion for Joinder of Additional Party Plaintiff (Doc. No. 37) is **DENIED**;

City's Opposed Motion to Strike Plaintiff's Surreply (Doc. No. 28) is **DENIED**;

City and HPD's Motion to Dismiss the Original Complaint (Doc. No. 12) is **GRANTED**;

Vargas' Rule 12(b)(6) Motion to Dismiss the Original Complaint (Doc. No. 13) is **GRANTED**;

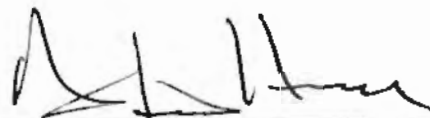
Overstreet's Rule 12(b)(6) Motion to Dismiss the Original Complaint (Doc. No. 14) is **GRANTED**;

Lopez's Rule 12(b)(6) Motion to Dismiss the Original Complaint (Doc. No. 19) is **GRANTED**; and

Majority Defendants' (Hudeck, McCreary, Holland, Hollis, Villa, Dexter, and Seay) Rule 12(b)(6) Motion to Dismiss the Original Complaint (Doc. No. 22) is **GRANTED**.

The Court is granting Plaintiff's request to file a First Amended Complaint if she does so by October 18, 2024. If she fails to do so, these rulings will be case dispositive and the case will be dismissed with prejudice. If she files said amended complaint, Defendants have until November 1, 2024 to file whatever response they choose to file.

SIGNED this 26th day of September 2024.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE